

Senate Bill No. 28

CHAPTER 10

An act to add Section 69999.5 to, and to repeal Chapter 3.44 (commencing with Section 44751) of Part 25 of, the Education Code, and to amend Sections 52 and 53 of, and to repeal Section 54 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 2003. Filed with
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LEGISLATIVE COUNSEL'S DIGEST

SB 28, Committee on Budget and Fiscal Review. Education finance.

Existing law establishes the Teacher Recruitment Initiative Program, administered by the Sacramento County Office of Education, to award grants on a competitive basis to consortia to operate regional recruitment centers that focus on recruiting teachers to low-performing schools, especially those with a teaching staff that has more than 20% emergency permitholders.

This bill would repeal these provisions.

Existing law establishes the Governor's Scholarship Programs, under which qualified pupils may receive a Governor's Scholars or Governor's Distinguished Mathematics and Science Scholars Award for attaining specified scores on portions of the statewide achievement tests administered under the Standardized Testing and Reporting Program.

This bill would make these provisions inoperative as of July 1, 2003.

The California Constitution requires that the amount appropriated by the Legislature for the support of school districts, as defined, and community college districts in any fiscal year be not less than a specified amount and authorizes the suspension of this minimum funding obligation for one year. Existing law further requires the state's minimum funding obligation for the support of school districts, as first defined, and community college districts to be increased, as specified, for the 2003–04 fiscal year and to include the full restoration of the maintenance factor.

This bill would instead require those increases for the fiscal year in which the maintenance factor is fully restored.

Existing law, including the Budget Acts of 2000, 2001, and 2002, makes various appropriations for purposes of public education.

This bill would revert specified appropriations from those Budget Acts, totalling \$113,243,685, to the Proposition 98 Reversion Account in the General Fund. The bill would also reappropriate \$113,243,685 from the Proposition 98 Reversion Account to the General Fund, as scheduled.

Existing law, the Budget Act of 2002, appropriated a specified amount to the State Department of Education for instructional time and staff development.

This bill would reduce that appropriation by \$48,656,314 and appropriate an equal amount for that purpose in the 2003–04 fiscal year.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.44 (commencing with Section 44751) of Part 25 of the Education Code is repealed.

SEC. 2. Section 69999.5 is added to the Education Code, to read:

69999.5. This article is inoperative on and after July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 52 of Chapter 1167 of the Statutes of 2002 is amended to read:

Sec. 52. (a) Notwithstanding any other provision of law, the amount that is required to be appropriated for the purpose of satisfying the state's minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution, shall, in addition to all other funds required to be appropriated to school districts, as defined in Section 41302.5 of the Education Code, and community college districts, be increased by twenty million nine hundred thirty thousand dollars (\$20,930,000) for the first fiscal year in which the maintenance factor is fully restored.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, including, but not limited to, the purposes of determining the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, the amount of the state's minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2003–04 fiscal year shall be increased by



the amount determined for the 2003–04 fiscal year pursuant to subdivision (a).

(c) If, for any reason for the 2003–04 fiscal year, subparagraph (B) of paragraph (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution is suspended pursuant to subdivision (h) of that section, the amount of the maintenance factor for school districts and community college districts determined pursuant to subdivisions (d) and (e) of that section as a result of that suspension, shall be computed in a manner that includes the increase to the state’s minimum funding obligation to school districts and community college districts pursuant to that section that are required under subdivision (a).

SEC. 4. Section 53 of Chapter 1167 of the Statutes of 2002 is amended to read:

Sec. 53. (a) Notwithstanding any other provision of law, in addition to the amount specified in Section 52 of this act, the amount that is required to be appropriated for the purpose of satisfying the state’s minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution, shall, in addition to all other funds required to be appropriated to school districts, as defined in Section 41302.5 of the Education Code, and community college districts, be increased by fifty-seven million eight hundred thirty-one thousand dollars (\$57,831,000) for the first fiscal year in which the maintenance factor is fully restored.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, including, but not limited to, the purposes of determining the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, the amount of the state’s minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2003–04 fiscal year shall be increased by the amount determined for the 2003–04 fiscal year pursuant to subdivision (a).

(c) If, for any reason for the 2003–04 fiscal year, subparagraph (B) of paragraph (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution is suspended pursuant to subdivision (h) of that section, the amount of the maintenance factor for school districts and community college districts determined pursuant to subdivisions (d) and (e) of that section as a result of that suspension, shall be computed in a manner that includes the increase to the state’s minimum funding obligation to school districts and community college districts pursuant



to that section that are required under subdivision (a). The Superintendent of Public Instruction shall, by August 1, 2003, allocate the funds appropriated by this act.

SEC. 5. Section 54 of Chapter 1167 of the Statutes of 2002 is repealed.

SEC. 6. The following amounts shall revert to the Proposition 98 Reversion Account in the General Fund:

(a) The sum of eight hundred eighty-five thousand dollars (\$885,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-211-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(b) The sum of nine hundred ninety-four thousand four hundred sixty-nine dollars (\$994,469) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-127-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(c) The sum of four million eight hundred thousand dollars (\$4,800,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-204-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(d) The sum of eight million three hundred fifty-two thousand three hundred ninety-one dollars (\$8,352,391) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-161-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(e) The sum of three hundred fifteen thousand dollars (\$315,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-191-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(f) The sum of seven hundred eighteen thousand one hundred eighty-nine dollars and nineteen cents (\$718,189.19) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-243-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(g) The sum of one million five hundred eighty-five thousand two hundred fifty-three dollars (\$1,585,253) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-126-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).



(h) The sum of five million dollars (\$5,000,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (k) of Item 6110-485 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(i) The sum of two million one hundred thirty-three thousand seven hundred eighty-one dollars (\$2,133,781) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-166-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(j) The sum of two hundred seventy-eight thousand forty-eight dollars and seventy-five cents (\$278,048.75) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-120-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(k) The sum of one million three hundred sixty-four thousand seven hundred sixty-three dollars (\$1,364,763) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (1) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(l) The sum of five hundred ninety-nine thousand three hundred eighty dollars (\$599,380) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (a) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(m) The sum of five hundred forty-two thousand two hundred ninety-five dollars (\$542,295) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(n) The sum of one million seventy-two thousand two hundred twenty-eight dollars (\$1,072,228) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5.1) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(o) The sum of one million five hundred seventy-nine thousand seven hundred fifty-six dollars (\$1,579,756) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5.2) of Schedule (b)

of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(p) The sum of eight hundred thirty-nine thousand five hundred twenty-two dollars (\$839,522) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999).

(q) The sum of one million fifty-five thousand seventy-four dollars (\$1,055,074) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (1) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998).

(r) The sum of one million five hundred eighty-nine thousand four hundred five dollars (\$1,589,405) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5.1) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998) and reappropriated in Item 6110-494 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(s) The sum of one million nine hundred thirty-three thousand three hundred ninety-nine dollars (\$1,933,399) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5.2) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998).

(t) The sum of three million four hundred twenty-seven thousand five hundred twenty-two dollars (\$3,427,522) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in paragraph (5.1) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998).

(u) The sum of one million nine hundred twenty-four thousand three hundred ninety-five dollars (\$1,924,395) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (f) of Item 6110-113-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(v) The sum of two million two hundred sixty-eight thousand seven hundred twenty-six dollars (\$2,268,726) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (e) of Item

6110-113-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(w) The sum of four million twenty-four thousand eight hundred dollars and sixty-four cents (\$4,024,800.64) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (d) of Item 6110-113-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(x) The sum of one million seven hundred eight thousand four hundred ninety dollars (\$1,708,490) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (a) of Item 6110-488 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(y) The sum of fifteen million dollars (\$15,000,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (13) of Item 6110-485 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(z) The sum of four million seventeen thousand eight hundred dollars (\$4,017,800) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-485 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), as amended by Chapter 1 of the 2001–02 Third Extraordinary Session.

(aa) The sum of one million one hundred ninety-six thousand two hundred seventy-nine dollars (\$1,196,279) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-111-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(bb) The sum of five hundred thousand dollars (\$500,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-103-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(cc) The sum of six million five hundred thousand dollars (\$6,500,000) or the lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-211-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(dd) The sum of ten million three hundred thousand dollars (\$10,300,000) or the greater or lesser amount that reflects the

unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (3) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(ee) The sum of one million eight hundred thousand dollars (\$1,800,000) or the lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-156-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(ff) The sum of one million eight hundred sixty-nine thousand seven hundred fifty dollars (\$1,869,750) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-126-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

(gg) The sum of five hundred fifty-four thousand sixty-six dollars (\$554,066) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the appropriation in Section 28 of Chapter 71 of the Statutes of 2000.

(hh) The sum of seven million three hundred fifteen thousand nine hundred thirty-two dollars (\$7,315,932) or greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-115-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(ii) The sum of twelve million five hundred thousand dollars (\$12,500,000) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Schedule (c) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000).

(jj) The sum of two million six hundred ninety-seven thousand nine hundred seventy-one dollars (\$2,697,971) or the greater or lesser amount that reflects the unencumbered balance, as of the effective date of this section, of the amount appropriated in Item 6110-204-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001).

SEC. 7. The sum of one hundred thirteen million two hundred forty-three thousand six hundred eighty-five dollars (\$113,243,685) is reappropriated from the Proposition 98 Reversion Account to the Superintendent of Public Instruction for allocation for the purposes of Article 1 (commencing with Section 52500) of Chapter 10 of Part 28 of the Education Code, to be allocated as specified in the provisions contained in Item 6110-156-0001 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002).

SEC. 8. The sum of one hundred thirteen million two hundred forty-three thousand six hundred eighty-five dollars (\$113,243,685) is reduced from the amount appropriated to the State Department of

Education for adult education in Schedule (1) of Item 6110-156-0001 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), as amended by Chapter 4 of the 2003–04 First Extraordinary Session.

SEC. 9. It is the intent of the Legislature that the Budget Act of 2003, when enacted, shall include a General Fund reduction of ten million dollars (\$10,000,000) for the Cal Grant Program in order to reflect a baseline adjustment in the anticipated number of new awards and accompanying award levels.

SEC. 10. The sum appropriated in Item 6110-112-0001 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002) is hereby reduced by forty-eight million six hundred fifty-six thousand three hundred fourteen dollars (\$48,656,314).

SEC. 11. The sum of forty-eight million six hundred fifty-six thousand three hundred fourteen dollars (\$48,656,314) is hereby appropriated from the General Fund in the 2003–04 fiscal year to the State Department of Education for Instructional Time and Staff Development Reform Program pursuant to Article 7.5 (commencing with Section 44579) of Chapter 3 of Part 25 of the Education Code, to be expended consistent with the requirements specified in Item 6110-112-0001 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002).

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2003 at the earliest possible time, it is necessary that this act take effect immediately.

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